

UNITED STATES DISTRICT COURT
FOR DISTRICT OF ALASKA

NEWTOK VILLAGE,

- Plaintiff,

vs.

LYNDEN AIR CARGO, LLC d/b/a
LYNDEN AIR CARGO

- Defendant.

NO. 3:20-cv-00071-TMB

**MEMORANDUM IN SUPPORT OF
MOTION TO STAY DISCOVERY
AND OTHER DEADLINES SET
FORTH IN THE PRE-TRIAL
ORDER.**

Plaintiff, Newtok Village seeks a 60 day stay of discovery and other deadlines in this matter.

At the current time, the parties are undergoing early discovery. Recently, Newtok Village conducted its annual tribal elections. While the election results have not been fully certified, the tribe is experiencing a transition with many personnel changes with regard to the Tribe's client representative, and the Tribal Council and officers. As explained below, this transition affects the ability of the tribe to proceed with discovery. A stay is needed to effectuate this transition, which impacts this litigation.

Specifically, Mr. Romy Cadiente, the Village Relocation Coordinator has given notice of his intent to resign from his position. Mr. Cadiente was the principle tribal employee responsible for the purchase and transport of the yurts, which are the subject of this litigation. Additionally, Mr. Cadiente was the principle client representative and point

GAZEWOD & WEINER,
PC
1008 16th Avenue
Suite 200
Fairbanks, Alaska 99701
Tel.: (907) 452-5196
Fax: (907) 456-7058
info@fairbankslaw.com

of contact between the undersigned counsel for the purposes of this litigation. While Mr. Cadiente had the authority to verify certain discovery disclosures and responses to Defendant's Discovery Requests, his pending resignation relieves him of such authority. The Tribe has not identified any person with the authority to properly respond to discovery. This vacancy affects the ability of the undersigned attorney to proceed with discovery at this time.

Additionally, upon certification of the election results and seating of elected officials, the election will result in changes in the tribal governing body. What is certain is that when the new council and officers are properly sworn into office, the principle officers of the Tribe (President, Secretary-Treasurer, etc) will change, with possible other changes in other officer positions. The Council will have to be briefed on this litigation and will have to make certain decisions respecting the litigation. Those decisions may affect the Tribe's legal representation.

The Tribe requests a stay in these proceedings to effectuate these transitions.

Respectfully submitted this 5th day of October, 2020

GAZEWOOD & WEINER,
PC
1008 16th Avenue
Suite 200
Fairbanks, Alaska 99701
Tel.: (907) 452-5196
Fax: (907) 456-7058
info@fairbankslaw.com

/s/ Michael J. Walleri

Michael J. Walleri (ABA #7906060)
GAZEWOOD & WEINER, PC
1008 16th Ave., Suite 200
Fairbanks, AK 99701
tel: (907) 452-5196
fax: (907) 456-7058
walleri@gci.net
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I declare under penalty of perjury of the laws of the United States of America that on October 5, 2020 I electronically filed the above document with the Clerk of Court using the E-FILING system, and served the foregoing document on the parties counsel listed above by e-mail

Thomas G. Waller, (AKB #0109052)
BAUER MOYNIHAN & JOHNSON LLP
2101 4TH Avenue - 24th Floor
Seattle, WA 98121
Telephone: (206) 443-3400
Facsimile: (206) 448-9076
tgwaller@bmjlaw.com
Attorney for Defendant

/s/ Michael J. Walleri

**GAZEWOOD & WEINER,
PC**

1008 16th Avenue
Suite 200
Fairbanks, Alaska 99701
Tel.: (907) 452-5196
Fax: (907) 456-7058
info@fairbankslaw.com